

September 5, 2007 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

07AN0380

Joseph and Kimberly Dice

Bermuda Magisterial District
10606 and 10610 Seminole Avenue

REQUEST: A Variance to use a parcel of land which fronts on a dedicated but unimproved public road for dwelling purposes in a Residential (R-7) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not applicable generally to other properties in the area.
- B. There are no physical surroundings, shape or topographical conditions on this property that a particular hardship would result to the owner if the requirements of the Zoning Ordinance were carried out and a public road constructed to State standards.

GENERAL INFORMATION

Location:

Property is known as 10606 and 10610 Seminole Avenue. Tax IDs 797-663-1673 and 2166 (Sheet 26).

Existing Zoning:

R-7

Size:

0.59 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-7; Residential
South - R-7; Vacant
East - R-7; Residential and vacant
West - R-7; Vacant

Utilities:

Private well and septic system

Transportation:

The applicants should make improvements to bring Seminole Avenue up to state standards, thereby eliminating the need for this request. In order for the applicants to provide maintenance to this section of road, a license agreement must be obtained from the Board of Supervisors. The license agreement typically requires the applicants to perform all maintenance to the access road within the right of way. In similar situations throughout the County, residents often request the County to perform maintenance on the right of way even though a private maintenance agreement exists. The County has no funds budgeted for this service.

Environmental Engineering:

There is a Resource Protection Area (RPA) and Floodplain (FP) located on the southern one-third portion of the subject property and that has very limited uses. Only water dependent facilities are permitted in these areas. The remaining two-thirds of the property is located outside of the RPA and FP and therefore would be considered suitable for a single-family dwelling.

General Plan:

(Jefferson Davis Highway Corridor)

Regional mixed use

DISCUSSION

The applicants request a Variance to use a parcel of land which fronts on a dedicated, but unimproved, public road for dwelling purposes. The access to the dwelling will be over a fifty (50) foot dedicated road from Point A to Point B, as shown on the attached map.

The applicants provide the following justification in support of this request:

We are requesting a Variance to use a parcel of land which fronts on a dedicated but unimproved public road for dwelling purposes. We are planning on removing the temporary manufactured home and replacing it with a modular home.

The Board of Zoning Appeals hears requests for no public road frontage when the subject property was recorded prior to 1980, is being subdivided and sold or given to a member of the property owner's immediate family, or complies with the plat validation process. In this case, the property was recorded prior to 1980.

The subject property is located off the western line of Seminole Avenue, approximately 100 feet south of Maywood Street. The approved Bellmeade Subdivision plat indicates Seminole Avenue is a fifty (50) foot wide dedicated but unimproved public road. Staff field inspection revealed that Seminole Avenue is a fifteen (15) foot wide dirt/gravel road.

The subject property is located in the Bellmeade Subdivision which was recorded in 1937, and consists of 0.59 acre. This is an older, well established residential neighborhood. The County assessor's office indicates the applicants purchased the subject property on December 18, 2006. On October 25, 2006, the Board of Supervisors approved a temporary manufactured home permit for the applicants on the subject property. This temporary manufactured home permit (07SN0168) was approved for seven (7) years.

Staff notes this 1964 Gardner manufactured home has been on the subject property since 1970. The applicants have indicated they are planning on replacing the manufactured home with a modular home.

The Chesterfield County Fire Department has requested that applicants with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling capable of supporting fire equipment and/or ambulances. The road shall have at least a fourteen (14) foot clearance to overhanging objects. Condition 2 will address their concerns.

As required by the Zoning Ordinance, the applicant has provided no information which would serve as a basis for granting this Variance. Staff finds no physical surroundings, shape or topographical conditions on the property which would present a particular hardship to the owner if this Variance were denied. Also, staff finds no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

This request is based on financial consideration rather than physical hardship or other conditions that are not applicable to other properties in the area. Therefore, staff cannot support this request.

Staff believes that the Board should deny this request for the reasons previously noted.

However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

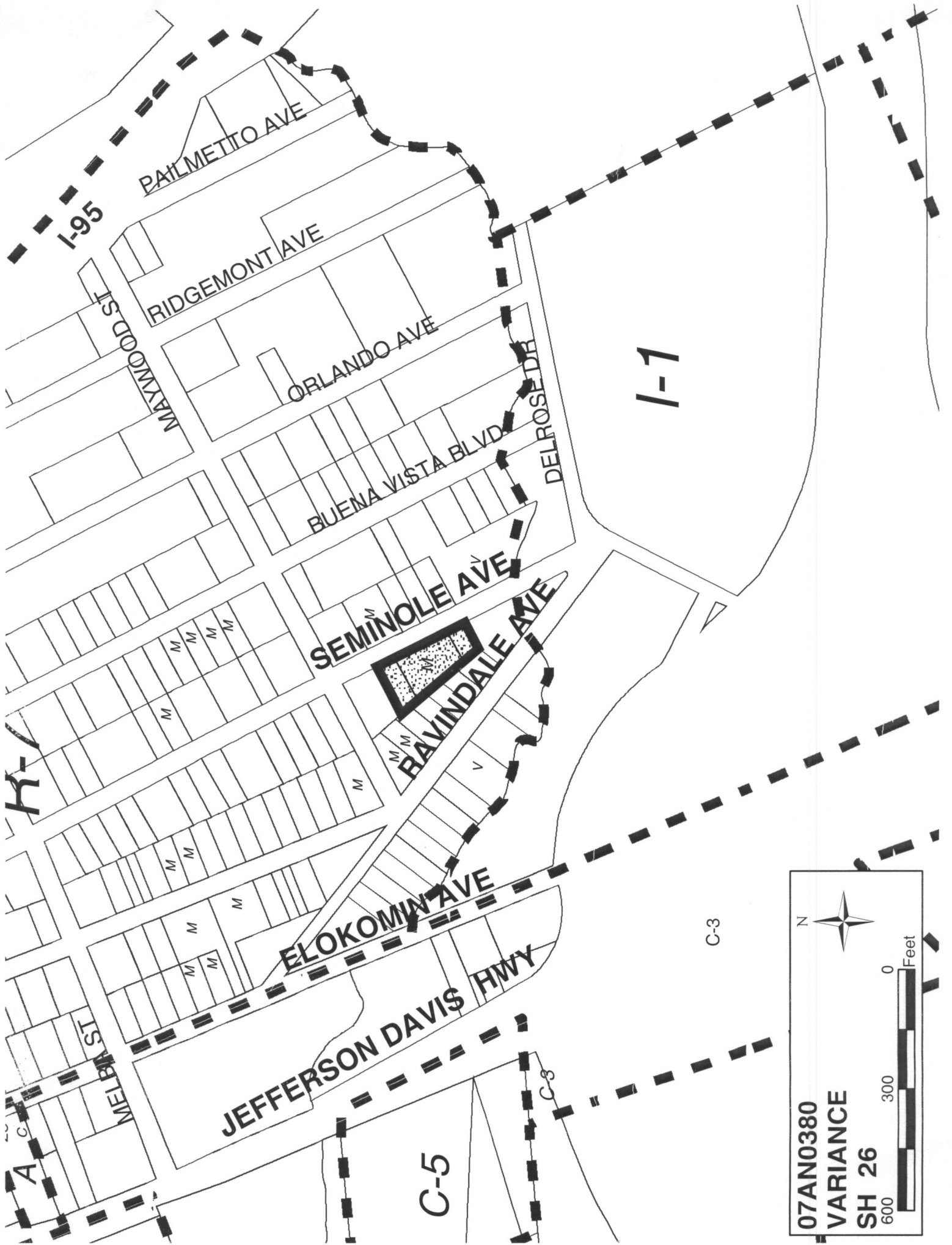
CONDITIONS

1. Prior to approval of a building permit, the applicant shall provide a copy of the approved license agreement with the County to use the dedicated and unimproved County right of way from Point A to Point B, as shown on the plat attached to the staff report. (P)
2. A fifteen (15) foot wide roadway shall be constructed and maintained to all weather standards from Point A to Point B in accordance with the following standards:
 - (a) This roadway shall consist of not less than the following: compacted soil sub-base with six (6) inches of compacted 21-B crushed stone, if an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the Subdivision Team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.
 - (b) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
 - (c) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
 - (d) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection.
 - (e) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
 - (f) Any cross drains shall be designed to accommodate a minimum ten (10) year storm. (P)
3. Prior to issuing a Certificate of Occupancy, the Planning Department shall inspect this roadway to determine compliance as set forth above. (P)
4. The house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to

the property. The house numbers shall be displayed in at least four (4) inch high numbers. (P)

5. The subject property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided. (P)

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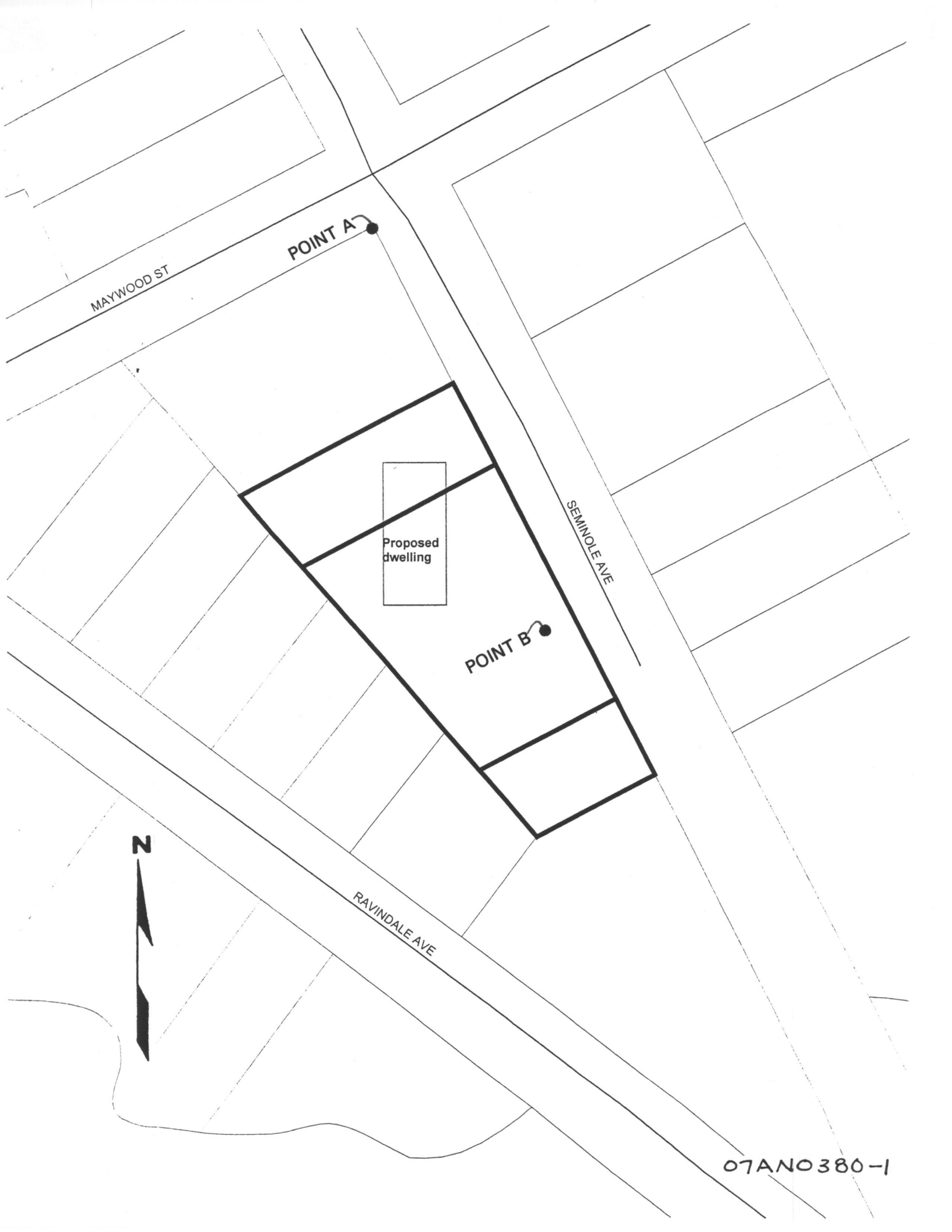


07AN0380
VARIANCE
SH 26

600 300 0 Feet

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MAYWOOD ST

POINT A

Proposed dwelling

SEMINOLE AVE

POINT B

RAVINDALE AVE

N

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